

REQUEST FOR RECONSIDERATION
U.S. Appln No. 09/921,683

Atty Dkt No. Q65741

REMARKS

Applicant thanks the Examiner for conducting a telephonic interview with Applicant's representative on August 4, 2003.

As discussed during the interview, this submission constitutes a renewed request for reconsideration of the patentability of the claims as presented in the Amendment filed June 10, 2003 in response to the final Office Action, dated Applicant. In the Amendment filed June 10, 2003, Applicant canceled claims 1 and 10-12, and amended claims 2, 3, 5, 6, 9, 13, 16 and 22.¹

As a Summary of the Substance of the Interview, Applicant submits the following.

During the interview, Applicant's representative noted to the Examiner that the Advisory Action dated June 27, 2003 was deficient in that it did not set forth "an explanation of how the new or amended claims would be rejected". A discussion of the rejections set forth in the final Office Action, dated March 10, 2003 followed. At the conclusion of the discussion, the Examiner agreed to reconsider his position in view of the arguments presented in the Amendment filed June 10, 2003, and requested that Applicant re-emphasize these arguments in a formal Request for Reconsideration. Furthermore, the Examiner indicated that if he remains unconvinced as to the patentability of the pending claims, he would consider withdrawing the finality of the Office Action dated March 10, 2003, and issue another Office Action setting forth with particularity any rejections that may be remaining.

¹ In the Advisory Action dated June 27, 2003, the Examiner indicated that the June 10, 2003 Amendment would be entered for the purposes of Appeal.

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Applicant respectfully traverses the Examiner's prior art rejections of claims 2-6, 9 and 13-26 as follows.

One of the features of Applicant's claimed invention is a second contracting element, which drives the pressure generating element so as to contract the pressure chamber expanded by the second expanding element, such that (1) a contracted amount of the pressure chamber established by the second contracting element is larger than at least one of a contracted amount of the pressure chamber established by the first contracting element and an expanded amount of the pressure chamber established by the second expanding element, and (2) the contracted amount of the pressure chamber established by the second contracting element is not larger than an expanded amount of the pressure chamber established by the first expanding element (see Applicant's independent claims 17 and 22).

The Examiner cites Chang '325 alleging that the relationship $V_h > V_{c2}$ (as shown in Fig. 9) of Chang, and relationship $V_{c2} > V_{c1}$ (as shown in Fig. 13 of Chang) combine to supply the above-noted requirement of Applicant's claims 17 and 22. Applicant respectfully disagrees.

In fact, Applicant's claims 17 and 22 require a drive signal in which the relationship $V_h > V_{c2} > V_{c1}$ is satisfied at the same time, that is, used for the same condition. The drive signals shown in Chang '325 Figs. 9 and 13 are independently and respectively selected and used for different conditions. In picking and choosing separate pieces of a single reference, the Examiner has failed to consider the reference for what it fairly teaches "as whole" (as required by MPEP). That is, nowhere does Change disclose, teach or suggest a drive signal which

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satisfies both the $V_h > V_{c2}$ and $V_{c2} > V_{c1}$ relationships at the same time, as emphasized during the Examiner Interview.

Furthermore, a second contracting element as defined in Applicant's claims 17 and 22 relates to liquid drop ejection. To the contrary, the waveform element h in Chang '325 Fig. 9 and the waveform element h3 in Chang '325 Fig. 13 (cited by the Examiner as allegedly corresponding to the claimed second contracting element), do not relate to liquid drop ejection. Instead, these pertain to damping elements for suppressing the meniscus vibration so as not to eject a liquid droplet (see col. 18, lines 3-7), as further emphasized during the Examiner Interview.

Chang '974 does not supply the above-noted deficiencies of Chang '325. Therefore, Applicant's independent claims 17 and 22, as well as the dependent claims 2-6, 9, 13, 16, 18-21 and 23-26 (which incorporate all the novel and unobvious features of their respective base claims) would not have been obvious from any reasonable combination of Chang '325 and Chang '974.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

It is believed that no fee is required for the filing this Request for Reconsideration; however if a fee is required, the USPTO is directed and authorized to charge all required fees,

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except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. (Please also credit any overpayments to said Deposit Account.)

Also, it is believed that a Petition requesting that the finality of the Office Action dated March 10, 2003 be withdrawn is not required; however, if a petition is required, please consider this request to incorporate such a petition.

Respectfully submitted,



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